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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,057	10/05/2000	Edwin W. Ades	6395-81114-12	7894
46135 7590 01/09/2009 KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204				
EXAMINER				
SWARTZ, RODNEY P				
ART UNIT		PAPER NUMBER		
1645				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. Applicants' Response to Final Office Action, received 19 November 2008, is acknowledged, but will not be entered the amendment of claim 13 and new claims 31-34 raise new issues, i.e., duplicate claims, requiring further consideration and search.

Claim 14 would be objected to under 37 CFR 1.75 as being a substantial duplicate of newly amended claim 13. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

As newly amended, claim 13 is drawn to a recombinantly produced, isolated and purified lipidated PsaA protein having a purity of at least 80%. Claim 14 is a Recombinantly produced, isolated and purified lipidated PsaA protein having a purity of at least 80%.

Claim 16 recites: An immunological composition comprising the recombinant lipidated PsaA protein of claim 13. Claims, 13, 14, and 16 recite only one component, the same component. Therefore claim 16 would be objected to under 37 CFR 1.75 as being a substantial duplicate of claim 13 and 14.

New claim 31 recites: An immunological composition comprising the recombinantly produced, lipidated PsaA protein of claim 14. Both claims recite only one component, the same component. Therefore claim 31 would be objected to under 37 CFR 1.75 as being a substantial duplicate of claim 14. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

New claim 32 would be a substantial duplicate of claim 17.

New claim 33 would be a substantial duplicate of claim 18.

New claim 34 would be a substantial duplicate of claim 19.

### **Conclusion**

2. The amendments will not be entered.
3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's Supervisor, Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

January 10, 2009